

**UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION**

UNITED STATES OF AMERICA)	Case No.: 3:12-CR-239
)	
vs.)	
)	
DENETRIA MYLES (24))	
_____)	

ORDER

THIS MATTER IS BEFORE THE COURT on Defendant’s Pro Se Motion to Dismiss for Lack of Subject Matter Jurisdiction and Insufficiency of Process (Doc. No. 825). On October 23, 2013, Defendant was convicted of one count of conspiracy to violate the RICO Act in violation of 18 U.S.C. § 1962(d), and one count of bank fraud in violation of 18 U.S.C. § 1344. (*See* Doc. No. 397). She is currently awaiting sentencing, which is scheduled for February 18, 2015.

Despite being represented by counsel, Defendant filed this Motion *pro se*. It alleges that the Court lacks subject matter jurisdiction in this case pursuant to 28 U.S.C. § 1331, and also that she received insufficient service of process pursuant to Federal Rule of Civil Procedure 4(m). As an initial matter, the Court notes that this is a criminal case. Section 1331 governs “federal question” jurisdiction in civil cases, and the Federal Rules of Civil Procedure are likewise inapplicable to Defendant’s criminal case.

Otherwise, the Court observes that Defendant was indicted for the commission of multiple federal crimes. It was part of those crimes that the unlawful conduct affected interstate or foreign commerce, or involved defrauding a federally insured financial institution. The jury was so instructed, and found that Defendant was guilty of those crimes beyond a reasonable

doubt. As such, the Court is more than satisfied that it possesses jurisdiction to proceed in this matter. The remainder of Defendant's contentions are likewise frivolous and without merit.

IT IS THEREFORE ORDERED that Defendant's Pro Se Motion (Doc. No. 825) is **DENIED**. The Clerk of Court is directed to send a copy of this order to Defendant's address of record.

SO ORDERED.

Signed: January 28, 2015

A handwritten signature in black ink, reading "Graham C. Mullen", written over a horizontal line.

Graham C. Mullen
United States District Judge

